

<b>Corporate Policies and Procedures</b>			
<b>SECTION:</b> Employment			<b>POLICY #:</b> A-04
<b>POLICY:</b> Ontario Human Rights Code Violation			
<b>DATE:</b> MAY30/01	<b>REV. DATE:</b> JAN30/13	<b>COVERAGE:</b> All Employees	<b>PAGE #:</b> 1 of 7

**POLICY STATEMENT:**

The County of Renfrew recognizes the right of every employee to work in an environment that is free from discrimination and harassment, by the employer, agent of the employer, another employee, or any other person with whom he/she comes into contact in the normal performance of his/her duties. Any such harassment or discrimination will be regarded as a serious offence and is subject to disciplinary action.

**PURPOSE:**

As part of the County of Renfrew's continuing efforts towards providing a work environment that is free from harassment and in compliance with the law, this policy shall be applied and distributed to all current and future new employees.

This document defines the rights and responsibilities with respect to harassment and discrimination in the workplace. It also defines the procedures to be followed when a complaint of harassment or discrimination is made.

The purpose of the policy is to:

- Educate workers in the recognition and prevention of illegal workplace harassment or discrimination and to provide an effective means of eliminating such harassment or discrimination from the workplace.
- Ensure that individuals are aware of and understand that acts of workplace harassment or discrimination are considered a serious offence for which necessary action will be imposed.
- Ensure that those subjected to acts of workplace harassment or discrimination are encouraged to access any assistance they may require in order to pursue a complaint.
- Ensure that individuals are advised of available recourse if they are subjected to, or become aware of, situations involving workplace harassment or discrimination.

**APPLICATION:**

This policy applies to the conduct of all individuals in the workplace, including councillors, employees, clients, contractors, volunteers, students, visitors and others.

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For purposes of this policy, the workplace includes all locations or situations in which activities related to the County of Renfrew's business are carried out, including but not limited to:

- Activities in the workplace.
- Work assignments outside of the workplace.
- Work-related social functions.
- Work-related conferences and training.
- Work-related travel.

## **DEFINITIONS:**

### **Harassment on the Prohibited Grounds**

Harassment is defined by the *Ontario Human Rights Code* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, on the following prohibited grounds, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. This may include any behaviour that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals and may further include visual representation, electronic messages, written messages, verbal and/or physical conduct.

### **Sexual Harassment**

Sexual harassment may be experienced by men or women. Sexual harassment includes, but is not limited to, the following:

- Any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome.
- A sexual advance or solicitation made by a person where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome.
- A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.
- Unwelcome remarks, jokes, sexual innuendoes, or taunting about a person's body, attire, sex, personal or social life.
- Practical jokes of a sexual nature, which cause awkwardness or embarrassment.

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- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either through printed copy or personal computer.
- Leering (suggestive staring) or other gestures.
- Unnecessary physical contact such as touching, patting or pinching.
- Expressions of gender bias, which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment.
- Requests for sexual favours.
- Sexual assault.

### **Poisoned Work Environment**

Harassment may also include behaviours, conduct, comments or activities, based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex partnership status, family status or disability which are not directed at a specific individual, but nonetheless generate a degrading or offensive work environment for others. Some examples include: displaying of material that is sexually explicit or degrading, racist, ethnic or religious in a degrading or derogatory manner; use of patronizing behaviour or language which reinforces stereotypes and undermines self-respect or adversely affects work performance or work conditions.

### **Harassment does not include:**

- Appropriate direction, evaluation, or discipline by a manager or supervisor.
- Stress associated with the performance of job duties.
- Friendly teasing or bantering that is mutually acceptable.
- Friendly or romantic behaviour that is welcome and mutual.

### **RESPONSIBILITIES**

All individuals in the County of Renfrew workplace are responsible for:

Reporting harassment or discrimination through the means of their choice that is, in person, by telephone or through another individual to a manager or supervisor, in order to enable the County of Renfrew to take appropriate action.

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The County of Renfrew is responsible for:

- Reviewing the policy and procedures on an annual basis to ensure that they are relevant and compliant with the needs of the County of Renfrew.
- Providing information on the policy to all affected persons.
- Investigating reported incidents of workplace harassment in an objective and timely manner.
- Taking necessary action to respond to those incidents.

Supervisors and Managers are responsible for:

- Respecting the rights of all employees of the County of Renfrew and any affected parties.
- Understanding and complying with this policy and ensuring that it is in force within the County of Renfrew.
- Developing any necessary workplace arrangements that minimizes the risk of workplace harassment or discrimination.
- Communicating this policy to all affected persons.
- Taking action to prevent harassment or discrimination from occurring including but not limited to identifying and putting a stop to inappropriate behaviour as defined by this policy and demonstrating a willingness to discuss and address concerns with workers.
- Ensuring that workers understand who to contact regarding concerns about the policy or when reporting an incident.
- Immediately reporting any violation of this policy or complaint of harassment or discrimination.
- Treating as confidential, all information regarding incidents of harassment or discrimination, mediation, or investigation of complaints.

Workers are responsible for:

- Complying with this policy and respecting the rights of all workers, contractors, clients, and program participants.
- Immediately reporting any violations of this policy to their immediate manager/supervisor.
- Treating as confidential, all information regarding incidents of harassment or discrimination, mediation, or investigation of complaints.

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- Co-operating during investigations of harassment or discrimination complaints.

## **PROCEDURES:**

1. Any employee who believes he/she is the victim of discrimination or harassment will:

(a) Step 1:

Politely but firmly inform the offender that his/her conduct is offensive, against corporate policy, and must stop.

(b) Step 2:

Record dates, times, the nature of the unwelcome behaviour, names of any witnesses, and the steps taken to stop the problem.

(c) Step 3:

Where a worker is uncomfortable with independent initiatives or such initiatives have failed to stop the conduct, report it in writing to a Department Head/supervisor, who will acknowledge that a complaint has been received and meet with the employee to determine scope and next steps.

(d) Step 4:

If no action is taken or the problem is not resolved within a reasonable timeframe, report the problem to the Director of Human Resources (or designate).

Employees must be aware that when a complaint is lodged, the Director of Human Resources (or designate) conducts an investigation that includes interviews with the complainant, the alleged offender, and any witnesses; and that, depending on the outcome of the investigation, the action may result in disciplinary penalties up to and including discharge, and/or action through the courts.

Any complaint made with a malicious intent or in bad faith is regarded as a serious offence and subject to disciplinary action.

2. The following apply to Department Heads'/supervisors' responsibilities:

(a) Department Heads/supervisors are responsible for dealing with any incidents of discrimination or harassment in their area of responsibility that they become aware of, even if an employee has not lodged a formal complaint.

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- (b) Prior to initiating any employer investigation, the supervisor will review the current Collective Agreement related to employee rights to union representation.
- (c) When a complaint has been submitted in writing, Department Heads/supervisors shall immediately acknowledge that a complaint has been received, advise the Director of Human Resources or designate, and, within two (2) working days of receipt of a complaint, commence appropriate action, using the utmost discretion to maintain confidentiality and to respect the rights and dignity of all parties involved. This action includes:
- (i) Step 1:  
Documenting the case.
  - (ii) Step 2:  
Interviewing the complainant to obtain all pertinent facts, to ascertain that the complainant has followed section 1 (Step 1 or Step 3) and to determine if the complainant wants a representative (union or non-union) involved (if applicable).
  - (iii) Step 3:  
Interviewing and informing the alleged offender of the complaint; ensuring that he/she is aware of the contents of this policy including the procedure regarding reprisal/threat of reprisal as well as his/her rights under the collective agreement (if applicable).
  - (iv) Step 4:  
Identifying and utilizing all avenues of immediate resolution or possible resolution.
  - (v) Step 5  
Interviewing witnesses, if any.
  - (vi) Step 6  
In consultation with the Director of Human Resources (or designate), recommending any disciplinary action to be taken

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3. Should a complaint be directed to the position of Chief Administrative Officer/Clerk or the Human Resources Director the procedures is as follows:
- (a) Complaint against the Chief Administrative Officer/Clerk:  
You may present your complaint in an oral and written presentation to the Warden. The Warden will investigate the complaint and then present it to the Finance & Administration Committee and Council as appropriate.
  - (b) Complaint against the Director of Human Resources:  
You may present your complaint in an oral and written presentation to the Chief Administrative Officer/Clerk of the Corporation.
4. The following apply to disciplinary measures:
- (a) Where the investigation concludes that harassment or discriminatory conduct contrary to this policy and/or the *Ontario Human Rights Code* has occurred, the Employer may implement appropriate discipline up to and including discharge from employment in accordance with the Employer's disciplinary policy.
  - (b) Where the investigation results suggest the existence of a systemic issue in the work environment which caused or contributed to the incident, management will take the appropriate actions to correct the issue.
  - (c) The Employer may take whatever remedial action is necessary in order to eliminate the possibility of discriminatory or harassing conduct reoccurring which may include attendance at education or training sessions.
  - (d) Other remedial measures appropriate to the circumstances.
  - (e) Any reprisal or threat of reprisal against an employee making a complaint or participating in the investigation of a complaint is regarded as a serious offence, subject to disciplinary action, and may result in a reprimand, suspension, or dismissal.